

Notice of Allowability

Application No.

10/653,514

Applicant(s)

BORKE ET AL.

Examiner

Robert D. Harlan

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 03/15/2005.
2. ☒ The allowed claim(s) is/are 1-5 and 7-18.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert D. Harlan
Primary Examiner
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DETAILED ACTION

1. The Amendment filed by Applicants on 03/15/05 has been entered.

2. Claim 6 has been canceled.

Response to Amendment/Arguments

3. Applicant's amendment and arguments filed on 03/15/05 have been fully considered and they are found persuasive.

4. The rejection of claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over the combination Meverdeen et al., U.S. Patent No. 5,312,861 (hereinafter "Meverdeen"), Wu et al., U.S. Patent No. 4,797,323 (hereinafter "Wu") and Scott, U.S. Patent No. 5,646,155 (hereinafter "Scott") is withdrawn.

Allowable Subject Matter/Reasons for Allowance

5. Claims 1-5 and 7-18 are allowed.

6. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is Meverdeen, Wu and Scott. Meverdeen teaches a silane

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copolymer composition comprised of ethylene and vinyltriethoxysilane wherein the composition can undergo cure in the presence of silanol condensation catalyst. See Meverdeen, Abstract; col. 3, line 3 through col. 4, line 11. Meverdeen further teaches that the copolymer composition comprised of ethylene and vinyltriethoxysilane can be blended with a high-density polyethylene. See Meverdeen, col. 7, lines 55-56. Wu teaches insulating compositions comprising a polyolefin and a polar organic additive. See Wu, Abstract; col. 2, line 61 through col. 3, line 8. Wu further teaches the polyolefin is polyethylene and the polar organic additive is an organic halogenated flame retardant. See Wu, Tables II & III. Scott teaches a high-density polyethylene grafted with a silane monomer. See Scott, Examples 1-3; claim 26. The present invention differs Meverdeen, Wu and Scott in that the present invention requires a high density, bimodal silane-containing polyethylene base resin.

7. As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including Meverdeen, Wu and Scott to render the present invention anticipated or obvious to one of ordinary skill in the art.

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8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

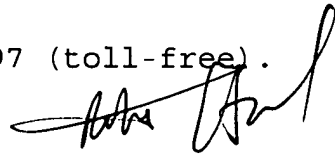
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (571) 272-1102. The examiner can normally be reached on Mon-Fri, 10 AM - 8 PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 273-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert D. Harlan
Primary Examiner
Art Unit 1713

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